

2 August 1843.—7 VICT.



(Ireland.)

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

To Consolidate and Amend the Laws for the Regulation of Charitable Loan Societies in Ireland.

[N. B.—The Clauses marked (A.) to (G.) were added by the Committee.]

WH^{EREAS} it is expedient to consolidate and amend the Laws relating to Loan Societies in Ireland; **BE** it therefore Enacted, by The QUEEN's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, THAT from and after the passing of this Act, the several Acts hereinafter mentioned shall be, and the same are hereby repealed, save as hereinafter otherwise provided; (that is to say) an Act passed in the fourth year of the reign of his Majesty King GEORGE the Fourth, intituled, "An Act for the Amendment of the Laws respecting Charitable Loan Societies in Ireland;" an Act passed in the tenth year of the same reign, intituled, "An Act to amend an Act of the fourth Year of his present Majesty for the Amendment of the Laws respecting Charitable Loan Societies in Ireland;" an Act passed in the Session of Parliament held in the sixth and seventh years of the reign of his late Majesty King WILLIAM the Fourth, intituled "An Act to amend the Laws relating to Loan Societies in Ireland;" and an Act passed in the Session of Parliament held in the first and second years of the reign of Her present Majesty Queen VICTORIA, intituled, "An Act for the Amendment of the Laws relating to Loan Societies in Ireland:" Provided always, That nothing in this Act contained shall extend to repeal any of the said recited Acts so far as they or any of them repeal any former Act or Acts, or so far as respects any act,

Phrase.

1.

So many and such parts of recited Acts as are in force, repealed, save as to Acts, &c. done before said day.

4 Geo. 4, c. 52.
10 Geo. 4, c. 42.

6 & 7 WILL. 4, c. 55.

1 & 2 VICT. c. 78.

524.

A

matter

During until
31st of De-
cember for
Societies now
established.

matter or thing heretofore done under or by virtue of the said recited Acts; and provided further, that as respects all Societies heretofore established and duly certified under the authority of the said Acts or any of them, so many and such parts of the said recited Acts as were in force immediately before the passing of this Act, shall remain in full force and effect until the Thirty-first day of December next after the passing of this Act, unless the Rules of such Societies respectively shall be certified under this Act previously.

2.
Loan Fund
Board estab-
lished in
Dublin for the
superintend-
ance of all
Loan Societies
and Monte de
Pi   in
Ireland.
Composition
of said Board.

And be it Enacted, That for the general control and superintendence of all Charitable Loan Societies and Charitable Pawn or Deposit Offices established or to be established in Ireland under the authority of the said recited Acts or this Act, there shall be a Board in Dublin, to be denominated "The Loan Fund Board," which Board shall consist of such persons as at present constitute the Loan Fund Board established under the authority of the said recited Act of the sixth and seventh years of his late Majesty King WILLIAM the Fourth, and of such other person as shall from time to time be appointed a member of the said Board, by the Lord Lieutenant of Ireland, and at any meeting of the said Board duly convened, Three Members shall be competent to do and execute all acts which the said Board are hereby enabled to do and execute.

Three Mem-
bers of said
Board to be
a quorum

3.
Lord Lieut-
enant com-
petent to
remove Mem-
bers from said
Board.

And be it Enacted, That it shall and may be lawful for the said Lord Lieutenant of Ireland, at his will and pleasure to remove from the said Board any member thereof, and it shall and may be lawful for the said Lord Lieutenant from time to time to appoint a Secretary, Inspector, and such other clerk, officer or servant, as shall be necessary for the business of the said Board, and to remove such Secretary, Inspector, or other clerk, officer or servant, as he shall think fit.

4.
Loan Fund
Board com-
petent to
superintend
all Loan
Societies, &c.
in Ireland.

And be it Enacted, That the said Loan Fund Board shall have power to inquire into the proceedings of all Loan Societies and Charitable Pawn or Deposit Offices, established or to be established in Ireland under the authority of the said recited Acts or this Act, in order to ascertain whether their Rules have been duly certified and enrolled, and have been and are duly observed and attended to, and whether their funds are applied to the purposes for which the same are intended, and may pay to their Secretary, and to any Inspector, or other officers, clerks or servants appointed as aforesaid, such salaries or other remuneration or retiring allowance, as the Commissioners of Her Majesty's Treasury of the United Kingdom of Great Britain and Ireland, or any Three or more of them, may from time to time direct, and also pay such further sum or sums as may be necessary to defray the incidental expenses which shall be incurred

To pay to
their Officers
Salaries, to be
appointed by
the Lords of
Treasury.

Also inciden-
tal Expenses.

incurred in carrying into execution the purposes of this Act: Provided always, That such expenditure for incidental expenses shall not, in the whole in any one year exceed such sum as the Commissioners of Her Majesty's Treasury, or any Three or more of them, shall from time to time in that behalf limit and direct.

Not to exceed such sum as Commissioners of the Treasury may limit.

And be it Enacted, That all sums of money payable to the said Loan Fund Board under this Act, or which may at any time or times hereafter be appropriated to the use of the said Loan Fund Board, either by public grant or private donations or bequest, or otherwise, shall be paid into the hands of the Governor and Company of the Bank of Ireland, and shall be placed to an account in the books of the said Governor and Company, to be intitled, "The Loan Fund Board Account," and the receipt of the Cashier of the said Bank for any sum or sums of money paid into the same, and which the said Cashier is hereby required to give, shall be a sufficient acquittance and discharge to the person or persons by whom the same shall have been so paid.

5.
Funds appropriated to the use of the Loan Fund Board to be paid into the Bank of Ireland, to the credit of Loan Fund Board.

And be it Enacted, That no monies shall be paid out of the funds accruing in the said account to the credit of the said Loan Fund Board, except upon drafts, signed by at least Three Members, and countersigned by the Secretary of the said Board for the time being; and in each of which drafts shall be specified the purpose to which the sum for which the same has been drawn is intended to be applied, and no such draft shall be signed or countersigned as aforesaid, except at the first meeting held in each month by the said Board, or at some other meeting, of which at least Fourteen Days' notice in writing shall be given to each member of the Board, in which notice the object of such meeting shall be specially stated.

6.
No part of the Funds to be paid out, except in payment of Drafts signed by Three Members, &c.

And be it Enacted, That the said Loan Fund Board shall, on or before the Thirty-first day of March in every year, cause a report of their own proceedings, and also of the proceedings of the several Loan Societies under their control and superintendence, during the year ending on the Thirty-first day of December then next preceding, to be prepared, which Report shall contain an account of all monies and funds which shall have come to the hands or been placed to the credit of the said Board, either from public or private sources, during the year to which such Report shall relate, and shall specify the particular sources of revenue from which such monies and funds shall have arisen, and an account of all and every the monies expended or lent by the said Board during the said year, and for what purposes, and upon what account respectively, and showing the balance then standing to the credit of the said Board, and the amount of Loans from the said Board outstanding; and such annual Report shall be signed by at least Five Members present at such Board, and counter-

7.
Board to transmit an Annual Report to Parliament.

signed by the Secretary, and be laid before both Houses of Parliament within One Month after the same shall have been prepared, if Parliament shall be then sitting, or within One Month after the commencement of the then next Session.

8.
Board to sue
and be sued
in the name
of their Secre-
tary.

And be it Enacted, That all actions, suits and proceedings whatsoever, at law or in equity, touching or concerning any loan, contract or agreement, or other matter or thing to be made, done or entered into by or with the said Loan Fund Board, or which the said Loan Fund Board is by this Act authorized to institute, or by or with the Secretary thereof, in his capacity as such Secretary, shall and may be instituted, carried on and defended in the name of the Secretary of the said Board for the time being, for or on behalf of the said Board; and all such actions, suits and proceedings in any court of law or equity, in the name of such Secretary, shall be as good and effectual to all intents and purposes as if such actions, suits and proceedings had been commenced, prosecuted, carried on or defended in the name of the said Board, or any member or all the members of the same; and in case such Secretary shall happen to die, or be removed from his office, whilst any such action, suit or proceeding shall be depending, then and in such case such action, suit or proceeding shall not abate by the death or removal of such Secretary, but shall be carried on or defended in the name of the succeeding Secretary, and shall stand to all intents and purposes in the same state and condition as it was immediately before the death or removal of such former Secretary; and it shall and may be lawful for the Secretary of the said Board for the time being to sue and recover for the use of the said Board, upon any bond or other security executed or passed to, or contract made with, the Secretary of the Board for the time being, notwithstanding any change or changes which may have taken place in the person by whom the said office of Secretary may be filled.

9.
Loan Societies
and Charitable
Pawn Offices,
may be estab-
lished, subject
to the regula-
tions provided
by this Act.

And be it Enacted, That it shall and may be lawful to and for any number of persons in Ireland, subject to the restrictions and regulations hereinafter provided, to form themselves into a Society in Ireland, in any district or place in which it shall be proved to the satisfaction of the said Loan Fund Board that such Society is required, and such Society shall and may raise from time to time by Loans from the members of such Society, or from other persons, at a rate of interest not exceeding Five Pounds per centum per annum, or by donations, a stock or fund for the purpose of granting Loans to the industrious classes resident therein, and receiving re-payment of the same by instalments, with interest, as hereinafter provided; and it shall be in like manner lawful for any number of persons in Ireland, subject to the restrictions and regulations hereinafter provided, to form themselves into a Society, for the purpose of establishing or maintaining a Charitable Pawn or Deposit Office or Offices in Ireland, at which money

money may be lent to the industrious classes resident therein upon pledges or deposits at such rate of interest, not exceeding the rate of interest which now is or may be hereafter legally chargeable by Pawn-brokers in Ireland, as the said Loan Fund Board may from time to time appoint; and it shall and may be lawful for the members of every such Society from time to time to make, subject to the restrictions hereinafter contained, Rules for the better government and guidance of the same, and for defining the district, by townlands or otherwise, within which the operations of the Society ought to be conducted, and for fixing the charges for application papers, instalments, cards, and duplicates, and for the imposition of fines upon the several persons obtaining Loans from the funds of any such Society, and the officers and members thereof offending against or violating such Rules, and also from time to time to alter and amend such Rules as occasion shall require, or to annul and repeal the same, and to make new Rules in lieu thereof, so as such Rules shall not be repugnant to the laws of this Realm nor to any of the express provisions or regulations of this Act.

Such Societies empowered to make Rules, &c. subject to the approval of the Central Board.

And be it Enacted, That Three Transcripts fairly written or printed on paper or parchment, of all Rules, or of any alteration or amendment thereof made in pursuance of this Act, signed by at least Three Members of such Society, shall be transmitted to the said Loan Fund Board for their consideration, and in case the said Board shall approve of any such Rules, amendments or alterations as shall be so transmitted to them as aforesaid, they shall cause the same to be submitted to such Barrister as shall from time to time be appointed by the said Board established under the authority of this Act (which Barrister the said Board is hereby authorized and required to appoint), for the purpose of ascertaining whether the said Rules of such Society, or such alterations or amendments thereof as shall be so submitted to him, are in conformity to law and to the provisions of this Act.

10.
Three Transcripts of the Rules to be transmitted to Loan Fund Board, Rules approved by Board, to be submitted to the Barrister appointed by the Board to ascertain their conformity to Law, &c.

And be it Enacted, That in case the said Loan Fund Board shall disapprove of any Rule made by any Loan Society, and submitted to them as aforesaid, or of any alteration or amendment of any such Rule, such Rule or amendment or alteration thereof, shall be null and void: Provided always, That in every such case it shall be lawful for such Society, or for the persons desiring to form any such intended Society, within One calendar Month after notice shall be given to them of such decision of the said Board as aforesaid, to appeal against such decision to the Lord Lieutenant of Ireland, and Her Majesty's Privy Council there, who shall have power and authority on such appeal to approve or disapprove of such Rule or amendment or alteration thereof; and if they shall disapprove thereof, then and in such case the same shall be null and void to all

11.
Rules if disapproved by Loan Fund Board, to be void, but Appeal may be made to Lord Lieutenant and Council.

intents and purposes ; but if they shall approve thereof, then and in such case the said Loan Fund Board shall submit the same to such Barrister as aforesaid for the purpose aforesaid, in like manner as hereinbefore directed in the case of Rules approved of by such Loan Fund Board.

12.
Rules approved by Loan Fund Board, Lord Lieutenant and Council, to be certified by Barrister.

Fee payable to Barrister not to exceed One Guinea.

Barrister not entitled to further fee within Three Years in respect of the same Rules.

13.
Rules when certified by Barrister to be transmitted to Secretary of Loan Fund Board, who shall annex to each Transcript of the Rules a certificate of their having been approved by the Board, and certified by the Barrister.

One Transcript to be returned to the Society, another to be retained for use of Loan Fund Board, and the Third to be transmitted to the Clerk of the Peace.

And be it Enacted, That the said Barrister to whom any such Rule, amendment or alteration thereof, shall be transmitted, shall, if required, advise with the said Loan Fund Board on the subject of such Rule, and shall give a certificate that such Rules, alteration or amendment so submitted to him as aforesaid, is in conformity to law and to the provisions of this Act, or shall point out in what part the same are repugnant thereto, and state in writing on what grounds and for what reasons they are so repugnant, and how and in what manner they can be made conformable thereto ; and the fee payable to such Barrister for advising as aforesaid, and perusing the Rules, or alterations or amendments of the Rules of each respective Society, and giving such certificate as aforesaid, and stating such grounds or reasons, or suggesting such alterations as aforesaid, shall not at one time exceed the sum of One Guinea, which, together with the expense of conveying the Rules to and from the said Loan Fund Board, shall be defrayed by each Society respectively : Provided always, That the said Barrister shall be entitled to no further fee for or in respect of any alteration or amendment of any Rules, upon which one fee has been already paid to the Barrister within the period of Three Years, or for the Rules of any Societies at present under the Loan Fund Board, which it may be necessary to certify within Six Months after the passing of this Act.

And be it Enacted, That if the said Rules, or such alterations or amendments as aforesaid, shall have been certified by the said Barrister, to be in conformity to law and the provisions of this Act, the Secretary of the said Loan Fund Board shall thereupon annex to or write upon each of the said three transcripts so transmitted as aforesaid, a certificate to the effect that the said Rules, or such alterations or amendments as aforesaid, have been approved by the said Loan Fund Board, or by the Lord Lieutenant, as the case may be, and duly certified by the Barrister appointed in that behalf as aforesaid, and one of such Transcripts, when certified by the Secretary of the Loan Fund Board as aforesaid, shall be returned to the Society, and another of such Transcripts so certified as aforesaid, shall be retained by the said Secretary for the use of the said Loan Fund Board, and the other of such Transcripts shall be transmitted by the said Secretary to the Clerk of the Peace of the county wherein such Society shall have been formed, or shall be proposed to be formed, and shall be filed by such Clerk of the Peace with the Rolls of the Sessions of the Peace in his custody, without fee or reward.

And

And be it Enacted, That all Rules, and alterations and amendments of Rules, which shall be so certified as aforesaid by the Secretary of the said Loan Fund Board shall immediately after they have been so certified and transmitted as aforesaid, but not before, be binding on the several members and officers of the said Society, and all persons borrowing money therefrom, and all other persons having an interest therein; and it shall and may be lawful for every Loan Society to commence operations immediately on receiving the transcript of their Rules so certified, but not before; and all such Rules, alterations and amendments of Rules, shall, on receipt thereof, be printed by such Loan Society, and one copy shall be posted in the office of the said Society, and one copy lodged with the Clerk of each Petty Sessions in the district within which the operations of such Society are to be conducted.

14.
Rules when
certified in
force from
date of such
Certificate.

And be it Enacted, That the certificate so to be given by the Secretary of the said Loan Fund Board shall be in the Form Number 1. in the Schedule (A.) to this Act annexed, or to the like effect, and that in any proceeding which may be had for the recovery of any money lent by any Loan Society, or any other proceeding, civil or criminal, or of what kind or nature whatsoever, the production of a transcript of the Rules of such Society, with such a certificate as aforesaid written thereon or annexed thereto, signed or purporting to be signed by the Secretary of the Loan Fund Board, shall be conclusive evidence of such Rules, and of the same having been duly approved and certified, and that such Society has been duly established, and is entitled to all the benefits of this Act, and of all other Acts which shall be then in force relating to Loan Societies in Ireland.

15.
Form of Cer-
tificate.

Certified Rules
proved by
production of
the Trans-
cript, with
Certificate
annexed.

And be it Enacted, That it shall and may be lawful for every Loan Society whose Rules shall have been so certified by the Secretary of the said Loan Fund Board, or for any Committee appointed and authorized by such Society in that behalf, to elect and appoint such persons into the offices of Trustee, Manager, Treasurer, Secretary, Clerk, Messenger or other officer or servant, as they shall think proper and necessary to carry into execution the purposes of such Society, and from time to time to remove such persons, or any of them, from their respective offices or employments, and to elect and appoint others in the room of those who shall be so removed or who shall by death or otherwise vacate such offices or employments, provided that it shall not be lawful to appoint any Clerk of petty sessions to any such office or employment; and it shall and may be lawful for such Society or Committee, subject to the restrictions in this Act mentioned, to appoint the amount of salaries or remuneration to be paid to such officers or servants as shall not, under the provisions herein contained, be prohibited from receiving the same.

16.
Loan Societies
may appoint
Officers and
Servants.

17.

Societies to ascertain by their Rules the amount of the Salaries payable to their Servants or a limit to the amount.

Loan Fund Board may reduce prospectively the amount of the Salaries and other Expenses.

And be it Enacted, That it shall not be lawful for any such Society as aforesaid to pay to any clerk, officer or servant of such Society any salary or other allowance, unless the amount or maximum thereof shall have been ascertained by the Rules of such Society, nor to incur any expense, unless such as shall be expressly provided for by the Rules of the Society, or shall be necessary for the due management thereof according to such Rules; and it shall and may be lawful for the Loan Fund Board constituted under this Act, from time to time, as often as they shall judge it expedient so to do, to reduce prospectively the amount of any such salary or allowance, and likewise to reduce all and every or any other expense to be incurred by any such Society in the management thereof for house-rent, stationery, or otherwise; and after such reduction shall have been notified to such Society, it shall not be lawful for them to exceed in their payments the amount of the sums so reduced; and in case the Treasurer or any other officer or officers of any Loan Society shall pay or disburse any sum or sums of money contrary to the provisions of this Act, every person so offending shall, for every such offence, forfeit and pay a sum of money equal in amount to the sum or sums so illegally paid or disbursed by him as aforesaid, and in addition thereto, a sum not exceeding Five Pounds, to be recovered as hereinafter mentioned; and in case any such illegal payment as aforesaid shall have been made to any Clerk or other officer or servant of such Loan Society, it shall and may be lawful for the said Loan Fund Board in the name of their Secretary to sue for and recover from the Clerk or other officer or servant of such Society by whom the same shall have been received, the amount of the sum or sums which shall have been so illegally paid, together with costs of suit.

18.

Property of Loan Societies vested in the Trustees for the time being.

And be it Enacted, That all monies, goods, chattels, effects and property whatsoever, belonging to such Society, shall be vested in the Trustee or Trustees of such Society for the time being, for the use and benefit of such Society, and the respective members thereof, their respective executors and administrators, according to their respective claims and interest, and in case of the death, resignation or removal of any Trustee or Trustees, shall vest in the surviving or succeeding Trustee or Trustees for the same estate and interest as the former Trustee or Trustees had therein, and subject to the same trusts without any assignment or conveyance whatever, and also shall, for all purposes of action or suit, as well criminal as civil, in law or equity, in anywise touching or concerning the same, be deemed and taken to be and shall in every such proceeding (where necessary) be stated to be the property of the person or persons appointed to the office of Trustee or Trustees of such Society for the time being, in his or their proper name or names, without

without further description; and such person or persons shall, and they are hereby respectively authorized to bring or defend, or cause to be brought or defended, any action, suit or prosecution, criminal as well as civil, in law or equity, touching or concerning the property, or right of claim aforesaid of such Society, and to sue and be sued, plead and be impleaded, in his or their proper name or names, as Trustee or Trustees of such Society, without other description; and no suit, action or prosecution shall be discontinued or abate by the death of such person or persons, or his or their removal from the office of Trustee or Trustees as aforesaid, but the same shall and may be proceeded in by the succeeding Trustee or Trustees in the proper name or names of such person or persons commencing the same, any law, usage or custom to the contrary notwithstanding, and such succeeding Trustee or Trustees shall pay or receive like costs as if the action or suit had been commenced in his or their name or names, for the benefit of or to be reimbursed from the funds of such Society.

And be it Enacted, That in case all the Trustees of any Loan Society shall be removed by death or otherwise from their Trust, and no new Trustee or Trustees shall be appointed in their place, then and in every such case, and so often as the same shall happen, all and every the monies, goods, chattels, effects and property whatsoever of the said Society shall vest in the Secretary of the said Loan Fund Board for the time being, in trust, to apply the same under the direction of the said Board, to discharge all outstanding debts and demands due by such Society, and to dispose of the residue of such property to and for such purposes in furtherance of the objects of this Act, and in such manner as the said Loan Fund Board shall direct.

And be it Enacted, That it shall not be lawful for any person being a Trustee, Treasurer, Honorary Secretary, Director, member of the Managing Committee of any such Society, or having any control in the direction or management thereof, to receive directly or indirectly any salary or other remuneration for attendance or any other services performed for such Society, and no salaried clerk or other paid officer or servant of such Society shall be a member of its committee of Management, or in anywise act or vote in the direction of its affairs.

And be it Enacted, That every Treasurer or other officer or officers, or other person whatsoever, who is or shall be intrusted with the receipt or custody of any sum or sums of money belonging or lent to any Loan Society, and every other officer or servant of any Loan Society shall, when thereunto required by the said Loan Fund Board, become bound with sufficient sureties for the just and faithful execution of such office or trust, and the performance of the duties, by the

19.
On failure of Trustees of a Loan Society, and in default of appointment of new Trustees, property of Society to vest in Secretary of Loan Fund Board, to be applied in payment of the Society's debts, and the surplus as the Board may direct.

20.
No Manager or Trustee to receive any remuneration.

21.
Treasurer and other Officers of Loan Societies to give security as directed by Loan Fund Board.

Rules of such Society or by this Act imposed upon him, in such sum or sums of money as to the said Board shall seem reasonable and proper, and such security shall and may be given by bond or bonds in the Form Number 5 in Schedule (A.) to this Act annexed, or to the like effect, to the Secretary of the Loan Fund Board for the time being, and in case of forfeiture, it shall be lawful for the said Loan Fund Board, or for the Society for whose security such bond or bonds shall have been given, or for the Trustees or Managers thereof, to sue upon such bond or bonds in the name of the Secretary of the said Loan Fund Board for the time being, and to carry on such suit at the costs and charges of and for the use of the said Society, fully indemnifying and saving harmless such Secretary of the Loan Fund Board from all costs and charges of such suit or suits, or in respect thereof; and in case it shall appear to the said Loan Fund Board in any instance that the security so found is insufficient, either as regards the solvency of the sureties or the amount of the security or otherwise, then and in every such case, and from time to time so often as the same shall happen, it shall be lawful for the said Loan Fund Board to require that increased or better security be found; and in case any Society shall refuse or neglect to comply with such requisition of the said Board within such period as the said Board shall appoint in that behalf, it shall be lawful for the said Board to withdraw their Certificate from the said Society, and to proceed with regard to the same in like manner as the said Board is hereby authorized to proceed with regard to any Society which may have violated the provisions of this Act.

22-
Loan Fund
Board may
sue upon exist-
ing securities
in the name of
the Clerk of
the Peace.

And be it Enacted, That where the Treasurer, or other officer or officers of any Loan Society now established, shall have given security by any bond or bonds to any Clerk of the Peace, under the authority of the said recited Acts of the sixth and seventh years of the reign of King WILLIAM the Fourth, and first and second years of the reign of Queen VICTORIA, or either of them, such Clerk of the Peace shall, on being required so to do, transmit such bond or bonds to the said Loan Fund Board, and it shall and may be lawful for the said Loan Fund Board, or for any Society for whose security any such bond or bonds shall have been given, or for the Trustees or Managers of any such Society, to sue upon such bond or bonds in case of the forfeiture thereof, in the name of such Clerk of the Peace, in like manner as the Trustees of such Society are by said recited Acts authorized to sue thereon; nevertheless it shall be lawful for the said Loan Fund Board, in such cases as they may deem expedient, to require that new securities shall be perfected by a bond or bonds, to be executed to the Secretary of the said Board in the manner directed by this Act, and thereupon such new securities shall be perfected accordingly.

And

And be it Enacted, That if any officer, clerk or servant of any Loan Society shall refuse or neglect, when thereunto required, to account with such Society, or any committee thereof, or other person or persons who shall be authorized by such Society to require such account, or with the Secretary or any other duly authorized officer of the said Loan Fund Board, for any money or other property of such Loan Society which shall have been received by him, or shall refuse or neglect, when thereunto required, to pay or deliver to such Society, or to such person or persons as shall be authorized by such Society to receive the same, any money or other property of such Society, which then shall be or ought to be in his possession or power, every such officer, clerk or servant of such Loan Society so offending as aforesaid, shall, for every such offence, be liable to pay a sum of money equal in amount to the money or the value of the property (if any) so wrongfully detained by him, and in addition thereto, a further sum not exceeding the sum of Five Pounds, to be recovered in manner hereinafter mentioned.

23.
Officers of a Loan Society refusing to account either with the Society or with Loan Fund Board, and pay over money in their hands, subject to a penalty.

And be it Enacted, That it shall not be lawful to and for any such Society to make any Loan on personal security to any one individual at any one time exceeding in amount the sum of Ten Pounds, and that no second or other Loan shall be made to the same individual, or to any person on his behalf or for his use, until the previous Loan shall have been repaid.

24.
Amount of Loan not to exceed £. 10.

And be it Enacted, That every note or security to be taken by any Loan Society established under the provisions of this Act, for the repayment of any Loan granted by any such Society shall be in the Form Number 2 in Schedule (A.) hereunto annexed, or to the like effect, and blank forms for such note shall be supplied by the said Loan Fund Board as hereinafter provided, and that no proceedings shall, be had or order made for the recovery of any Loan fines or interest under this Act, save and except where the note or security for such Loan shall be in the Form and on the paper supplied by the said Board.

25.
Note for securing repayment of Loan shall be in Form given in Schedule to this Act, and shall be supplied by Loan Fund Board.

And be it Enacted, That no note or security for the repayment of any Loan made by any Society established or acting under the provisions of this Act, nor any receipt or entry in any book of receipt for money lent or paid, nor any debenture or transfer or draft or order, nor any appointment of any agent, nor any bond, nor security, nor other instrument or document whatever, required or authorized to be given, issued, made or provided, in pursuance of the Rules of any such Society, or of this Act, shall be subject to or chargeable with any Stamp Duty whatsoever.

26.
No Loan Fund Note or Bond, or Security, chargeable with Stamp Duty.

27.
Rate of In-
terest payable
on Loans

And be it Enacted, That it shall and may be lawful to and for the Trustees or Managers of any Society established or acting under the provisions of this Act, to demand and receive from the person to whom any Loan may be made, at the time of making the same, or to retain as discount for the same, the full amount of interest up to the time fixed for payment of the last instalment which would be due on the whole money so advanced, at a rate not exceeding Four-pence in the pound for twenty weeks, and to receive the amount of the principal by instalments at such time or times, and in such proportion or proportions, as the said Trustees or Managers may think fit, and to take a note or security for the whole amount of the Loan, the same to be sued for and recovered immediately on failure of the payment of any of the instalments, without being subject or liable on account thereof to any of the forfeitures or penalties imposed by any Act or Acts relating to usury.

28.
Notes to be
made payable
to Treasurer
for the time
being.

Recovery of
Loans before
Justices of
Peace.

And be it Enacted, That all notes and securities entered into for the payment of such Loans shall be made payable to the Treasurer for the time being of the said Society, and if the party or parties liable to pay the same shall fail in the payment thereof, or of any of the instalments as agreed to by the terms or conditions of the Loan, according to the Rules of the Society, it shall and may be lawful for any one of Her Majesty's Justices of the Peace having jurisdiction in the county, riding, city, division or place where such party or parties, or any one of them so liable, shall or may happen to be or reside, or where the office of such Society is situated, and such Justice is hereby required, upon complaint made by or on behalf of such Treasurer as aforesaid, to summon the person or persons against whom such complaint shall be made, whether he or they do or do not reside within the jurisdiction of such Justice, to appear either before himself or the Justices assembled at the Petty Sessions, either of the district in which such Loan Office is situate, or of the district wherein the party or any of the parties so summoned reside, and after his, her or their appearance, or in default thereof, upon due proof upon oath of such summons having been duly served or left at the ordinary residence of such person, such Justice or Justices shall proceed to hear and determine the said complaint, and award such sums to be paid by the person or persons respectively liable to the payment of any such note or security, to such Treasurer as aforesaid, as shall appear to such Justice or Justices to be due thereon, provided such note or security shall be in the form and on the paper issued by the said Loan Fund Board as aforesaid, but not otherwise, and including all such fines as shall have been incurred under the Rules of such Society in respect of such note or security, together with such a sum for costs, not exceeding the sum of Two Shillings

as

as in such Justice or Justices shall seem meet; and if any person or persons shall refuse or neglect to pay or satisfy such sum of money, as upon such complaint as aforesaid shall be adjudged, such Justice or Justices shall, by warrant under his or their hand and seal, or hands and seals, cause the same to be levied by distress and sale of the goods of the person or persons so neglecting or refusing as aforesaid, together with all costs and charges attending such distress and sale, and returning the overplus (if any) to the owner; and on such proceedings shall be removed by Certiorari or otherwise into any of Her Majesty's Superior Courts of Record.

And be it Enacted, That the summons to be issued for the recovery of any Loan as aforesaid, shall be in the Form Number 1. contained in the Schedule (B.) hereunto annexed, or to the like effect, and shall be prepared and provided by the Treasurer, clerk or other officer of such Loan Society; and in case the same shall be made returnable at Petty Sessions, the Clerk of such Petty Sessions shall enter such Summons in the Petty Sessions' Book, and shall call on the same in its proper turn to be heard and disposed of, for which he shall be entitled to receive a fee of Three-pence, and no more, to be paid out of the costs awarded; and if judgment shall be given upon such summons in favour of the plaintiff, the warrant to be issued for the levy of any sum of money which shall by any Justice or Justices be adjudged to be paid as aforesaid, shall be in the Form Number 2. contained in the Schedule (B.) hereunto annexed, or to the like effect, and for which a fee of Sixpence, and no more, shall be charged by the Clerk of the Petty Sessions, or any other person whatever.

And be it Enacted, That it shall and may be lawful for the constable, bailiff or any other person or persons who may be charged with the execution of any warrant under the authority of this Act, to sell or cause to be sold the goods seized under such warrant, without employing a licensed auctioneer to conduct or effect such sale, and no such goods so sold shall be subject to any auction duty.

And be it Enacted, That it shall and may be lawful for the Treasurer for the time being of any Loan Society established under this Act to sue for and recover, for the use of such Society, the amount of any note or other security which shall have been passed or made payable to the Treasurer for the time being of such Society, notwithstanding any change or changes which may have taken place in the person by whom the said office of Treasurer may be filled.

And be it Enacted, That in every case in which the execution of any note or other security issued by any Loan Society shall be
524-

B 3

attested

29.

Summons for recovery of Loan may be in form given in Schedule.

To be entered by Petty Sessions' Clerk, and called on in turn.

Warrant for recovery of Loan may be in Form given in Schedule.

30.

Goods seized under Levy Warrant may be sold by Bailiff without a licensed Auctioneer.

31.

Treasurer of any Loan Society may sue on securities granted his predecessor.

32.

Notes of a Loan Society attested by a Clerk, may on

has died, and
he proved by
evidence of
his hand-
writing, in
like manner
as upon his
death.

attested by any clerk or other officer or servant of such Loan Society, and such clerk or other officer or servant shall afterwards be dismissed or cease to be employed by such Loan Society, or in case of the dissolution of such Society, or of the winding up of its affairs under the authority of the Loan Fund Board, as hereinafter mentioned, then and in every such case the handwriting of such attesting witness may be proved in like manner to all intents and purposes as the same might be proved in case such attesting witness were dead, and such proof shall have the like force and effect as if he were dead.

33-
Loan Soci-
ties may
issue Debentures trans-
ferable by
endorsement
in presence
of two Wit-
nesses, and
registered in
Books of
Society.

And be it Enacted, That it shall and may be lawful for every such Society established or acting under this Act, which shall be desirous of raising funds for the purposes of such Society, or of increasing the funds of such Society, to issue debentures in a form and on paper or parchment to be supplied by the said Loan Fund Board, and the debentures issued under former Acts, or which may be issued under this Act, shall be transferable in the manner hereinafter mentioned, and not otherwise; (that is to say) by endorsement upon the said debenture, to be executed by the person or persons entitled to the sum thereby secured, in the presence of Two credible subscribing Witnesses at the office of such Loan Society, and to be registered in the books of the Loan Society by whom such debenture shall be payable; and after such endorsement shall have been so executed and registered as aforesaid, but not before, the person or persons to whom such transfer shall be made, shall thereupon stand possessed of and be entitled to the amount of such debenture, and of all interest, benefit, claims and demands whatsoever due or to grow due thereon, as fully as if he or they had been the party who had originally advanced the sum secured by the said debenture; and every transfer of such debenture shall be in the Form Number 4, in Schedule (A.) to this Act annexed, or to the like effect; and after the Thirty-first day of December after the passing of this Act, no debenture shall be issued for a less sum than Twenty Pounds, unless it be in lieu of one previously issued.

34-
Trustees, Ac-
cording the
Debentures
not personally
liable, unless
by express
agreement.

And be it Enacted, That no Treasurer, Trustee, or other officer of any Loan Fund Society subscribing a debenture, shall be individually responsible in person or property for the payment of same, or of any interest thereon, but such debenture shall be a charge on the capital and property of the Society alone, unless such Treasurer, Trustee or other officer shall in the instrument, or by writing at the foot or on the back thereof, declare his or their willingness, to be liable in person or property for the specific sums so guaranteed.

And

And be it Enacted, That in case any debenture-holder, or other claimant entitled to receive any sum not exceeding Fifty Pounds out of the funds of any such Loan Society, shall die, it shall be lawful for the said Society, or the Trustees thereof, and they are hereby authorized and permitted, from and after the expiration of Three calendar Months after the death of such debenture-holder, or other claimant so entitled, if they shall be satisfied that no will was made and left by such deceased person, and that no letters of administration have been or will be taken out of the goods, chattels, rights and credits of such deceased person, to pay the same to any person or persons who shall appear to the said Society or such Trustees as aforesaid, to be the persons or one of the persons entitled under the statute of distribution to the effects of the deceased intestate, although no letters of administration shall have been taken out, and the payment of any such sum or sums of money shall be valid and effectual with respect to any demand of any other person as next of kin of such deceased intestate, or as the lawful representative or representatives of such person against the funds of such Society, or against the Trustees, Treasurer or officers thereof; but nevertheless such next of kin or representatives shall have remedy for such money so paid as aforesaid against the person or persons who shall have received the same.

35-
Sums under
50 £ deposited
in any Loan
Society, pay-
able without
administration
to the
next of kin of
deceased De-
benture-
holder.

And be it Enacted, That the business of any Loan Society in Ireland shall not on any account or pretence whatever be conducted, carried on, or transacted at any hotel, tavern, public-house, beer-shop, or house of entertainment, or in any building occupied therewith, or situate within the curtilage thereof; and any trustee, manager, officer, clerk or servant of any such Society who shall offend herein, shall, for every such offence, forfeit a sum not exceeding the sum of Ten Pounds, to be recovered in the manner hereinafter provided.

36.
Business of a
Loan Society
not to be
transacted at
a Public-
house, &c.

And be it Enacted, That the books and accounts of all Loan Societies in Ireland shall be kept in such manner and form as shall be directed or approved by the said Loan Fund Board, and every Loan Society in Ireland, and the respective officers and servants thereof, shall from time to time, and so often as they shall be thereunto required by the said Loan Fund Board, produce in the Secretary, Inspector or other person authorized by the said Board in that behalf, for his inspection and examination, all and every the books, accounts, vouchers, papers, and documents whatsoever of such Loan Society, and in case any officer or servant of any Loan Society shall, after demand made, refuse or neglect to produce to such Secretary, or other authorized officer of the said Loan Fund Board, all or any of the books, accounts,

37-
Accounts of
Loan Societies
to be kept in
manner
directed by
Loan Fund
Board; and
all their
books, &c. to
be produced
for inspection
to Officer of
Loan Fund
Board upon
demand,
under a
Penalty of
£5.

vouchers, papers and documents of such Loan Society, which shall be in his possession, custody or power, or shall not duly account for the books, accounts, vouchers, papers or documents of such Loan Society which may have been in his possession, custody or power, every person so refusing or neglecting, shall for every such offence forfeit and pay a sum not exceeding the sum of Five Pounds, to be recovered in the manner hereinafter provided.

38.
Abstract of
Accounts to
be made out
yearly and
sent to Loan
Fund Board.

And be it Enacted, That the Trustees and Managers of every Society established or acting under the provisions of this Act, shall cause an abstract of the accounts of such Society for each year to be made out, up to and ending with the Thirty-first day of December, together with a statement of the funds and effects and property of every kind, and of the debts and liabilities of such Society, and of the clear net profit and appropriation thereof, and of the loss (if any) for the year then ended, which abstract and statement shall be in such forms and shall contain such particulars connected with the accounts and transactions of such Society as the said Loan Fund Board shall from time to time direct; and a copy of such abstract and statement, duly certified to be correct by the Secretary, Treasurer and at least One Trustee, shall, sometime in the month of January in each year, be transmitted to the said Loan Fund Board: Provided always, That it shall be lawful for the said Loan Fund Board, at their discretion, to require half-yearly or quarterly or monthly accounts from any such Society as aforesaid, and thereupon such accounts shall be transmitted to the said Board by such Society accordingly.

39.
Loan Society
intending to
dissolve itself,
shall give
Three
Months' notice of their
intention to
Loan Fund
Board.

And be it Enacted, That in case the Trustees or Managers of any Loan Society shall be desirous of dissolving such Society, or of bringing its operations to a close, and shall enter into any Resolution for that purpose, the Clerk of such Society shall without delay transmit a notice in writing of such resolution to the Secretary of the said Loan Fund Board Three calendar Months at least before the period appointed for the dissolution of such Society, or the close of their operations; and in case the Trustees or Managers of any Loan Society shall enter into any resolution or agreement or issue any notice with the view or for the purpose of effecting their dissolution or bringing their operations to a close, without notifying the same within Ten Days to the said Loan Fund Board, or shall fix by such resolution, agreement or notice any period sooner than Three Months from the time of such notification for the dissolution of such Society or the close of their operations, then and in every such case all and every the capital, stock, funds and securities, and property whatsoever of or belonging to such Society, or the Trustees thereof shall vest in the Secretary of the said Loan Fund Board for the time being, and be disposed of under the direction of said Board in like manner

manner as hereinafter provided with respect to a Society that shall be found to have violated their Rules or the provisions of this Act.

And be it Enacted, That it shall not be lawful for any Treasurer, Trustee, member of the Managing Committee, or other officer exercising control in the direction or management of the affairs of any Loan Society, unless upon the special leave of said Loan Fund Board, voluntarily to resign or withdraw from such office or trust, without having given at least Three calendar Months' notice in writing of his intention in that behalf to such Loan Society, and also to the said Loan Fund Board; and that a copy of such notice be posted in a conspicuous part of the office of such Loan Society.

40.
Trustees, &c.
of the Loan
Society in-
tending to
resign their
trusts, to give
ThreeMonths
Notice of such
intention to
Loan Fund
Board.

And be it Enacted, That no clerk, officer or servant of any Loan Society in Ireland shall directly or indirectly have, receive or take any bonus, gratuity or present, either in money, goods or labour, or otherwise howsoever, from any borrower from such Loan Society, or from any surety, and in case any such clerk, officer or servant shall offend herein, or shall in any way connive at, or knowingly be party to, any fraud, he shall, for every such offence, forfeit and pay a penalty not exceeding the sum of Twenty Pounds, to be recovered as hereinafter mentioned.

41.
No Clerk or
Servant of a
Loan Society
to receive any
present from
a Borrower or
Surety, under
a penalty of
20*l*.

And be it Enacted, That it shall and may be lawful for every such Loan Society as aforesaid, or for such person or persons as shall have been duly authorized in that behalf by the Rules of such Society, and they are hereby required annually to reserve, a sum not less than One-tenth of their clear net profits over and above all losses, to form a fund for the security of the debenture holders, and, subject thereto, it shall be lawful for them to appropriate from time to time such portion of the residue thereof as they shall think proper, to the support of any dispensary, hospital or infirmary in the district or county in which such Society shall be established, or for such other charitable or useful local purpose as they, with the approbation of the said Loan Fund Board, shall think fit; and, as well the said reserved fund, as the residue or the whole of such net profits, if no part shall be so appropriated, shall be employed as part of the funds of such Society, until such Society, with the approbation of the said Loan Fund Board, shall otherwise determine: Provided that no part of such net profits as aforesaid shall be appropriated in any way for the advantage or benefit of any member of the Society, or of the persons managing or conducting the same, or for any purpose whatsoever, except as hereinbefore provided; and provided also, That in case any such Society shall have been dissolved, or otherwise deprived of the benefit of this Act, the whole of the clear net profits not previously appropriated, after payment of all debts of or claims on such Society, shall be appropriated to such

42.
Profits of
Loan Socie-
ties shall be
applied to
such chari-
table pur-
poses in said
Societies, with
approbation
of Loan Fund
Board, shall
appoint.

dispensary, hospital or infirmary, or to such other charitable or useful local purpose as the said Loan Fund Board shall think proper.

43-
Loan Societies
violating their
Rules, or the
provisions of
this Act, may
be dissolved
by order of
Loan Fund
Board, subject
to appeal to
Lord Lieu-
tenant in
Council.

And be it Enacted, That in case it shall appear to the said Loan Fund Board, after due investigation, that any such Loan Society as aforesaid has not adhered to its Rules, or has applied any 5 of its profits or funds, or done any matter or thing contrary to the provisions of this Act, it shall be lawful for the said Loan Fund Board to withdraw from such Loan Society the certificate so issued to them as aforesaid, and to order and direct that such Society shall dis- 10 continue its operations, and shall be dissolved; and the said Loan Fund Board shall cause such their order to be published in the Dublin Gazette, and also in some newspaper circulating in the county or place in which the office of such Loan Society is situate, and shall also notify such their order to such Loan Society, and also to the 15 Clerk of the Peace with whom the Rules of such Loan Society shall be filed, and from and after the expiration of Six calendar Months from the first publication of such order in the Dublin Gazette or the expiration of such extended time as the said Loan Fund Board shall allow and appoint in that behalf (and which the said Board is hereby authorized to allow and appoint), such Loan Society 20 shall be dissolved, unless the order of the said Board shall be reversed upon appeal, as hereinafter mentioned; and upon the dissolution of such Society, all and every the property, monies, securities, goods, chattels and effects which such Society, or any person or per- 25 sons in trust for them, shall be seized or possessed of, or entitled to, at the time of such dissolution, shall immediately vest in the Secretary of the said Loan Fund Board for the time being, to be applied under the directions of the said Board to the payment of all the outstanding debts and liabilities of the said Society, and the residue (if any) to be applied to such purposes as are herein- 30 after in that behalf mentioned; and the said Loan Fund Board may, if they shall so think fit, after notifying such their decision to the said Society, cause the affairs of such Society to be wound up, and for that purpose appoint a fit and proper person to call in and receive all outstanding debts and demands, due or payable to 35 or on account of such Society, and to institute and carry on either in his own name or in the name of the Secretary of the said Loan Fund Board, or of the Treasurer, Trustees or other officer or officers of such Society the necessary proceedings for that purpose; and such person shall have all the powers vested in the said Treasurer, 40 Trustees or other officer or officers of such Society, under their rules or this Act, or otherwise; and after the appointment of such receiver as aforesaid, it shall not be lawful for such Society, or the Treasurer, Trustees or any other officer or officers thereof, unless authorized in that behalf by such receiver, to receive, sue for, or recover

recover any loan, debt or demand due or payable to or for the
 use of such Society; and in case, after the appointment of such
 receiver, any Treasurer, clerk or other officer or servant of such
 Society, or other person whatsoever, by the order or for the use of
 5 such Society, shall demand, receive or sue for any loan, debt or
 demand on account of such Society, unless authorized as aforesaid;
 every person so offending shall for every such offence forfeit and
 pay a sum equal to the sum so demanded, received or sued for,
 and in addition thereto a sum not exceeding Ten Pounds, to
 10 be recovered as hereinafter mentioned; and immediately upon the
 appointment of such receiver as aforesaid, all and every the Trustees,
 Treasurer, clerk and other officers and servants whatsoever of such
 Loan Society, shall deliver to such receiver, or to such person or
 persons as he shall appoint, all and every the books, accounts, secu-
 15 rities, vouchers, papers, documents, monies, goods, chattels and effects
 whatsoever, of or belonging to such Society, in their respective pos-
 session, custody or power; and if they or any of them, or any other
 person or persons whatsoever, having in his or their possession,
 custody or power, any such books or other of the premises aforesaid,
 20 of or belonging to such Society, shall refuse or neglect to deliver the
 same, or any of them, on demand, to such receiver or person or
 persons appointed by him in that behalf, every person so neglecting
 or refusing, shall, for every such offence, forfeit and pay a sum not ex-
 ceeding the sum of Ten Pounds, to be recovered in manner hereinafter
 25 mentioned; and it shall and may be lawful for any Justice of the Peace
 to issue a warrant authorizing the seizure of all and every such books
 and other the premises aforesaid, of or belonging to such Loan Society,
 and the delivery of the same to the Receiver so appointed by the said
 Loan Fund Board, or such person or persons as he shall direct, and
 30 such warrant shall and may be executed according to the tenor and
 effect thereof; and it shall and may be lawful for the said Loan Fund
 Board, after paying all lawful debts and demands of such Society,
 and all necessary expenses incurred in winding up the affairs thereof
 as aforesaid, to appropriate the surplus effects and property (if any) of
 35 such Loan Society which may remain, to the establishment of any other
 Loan Society or Societies, or to increase the capital of any existing
 Loan Society or Societies in the same district or county, or to such
 dispensary, hospital, infirmary or other charitable or useful local purpose
 as the said Board shall think proper: Provided always, That it shall
 40 be lawful for any such Society, within One calendar Month after
 notice shall be given of any such decision as aforesaid to such Society
 to appeal against such decision to the Lord Lieutenant of Ireland, and
 the Privy Council thereof, whose judgment in the premises shall be final
 and conclusive: and provided further, That no steps shall be taken
 towards winding up the affairs of any such Society until the expira-
 tion of One calendar Month from the date of such notice, nor, if

any appeal shall be lodged within that time, until judgment shall be given on such appeal against the appellants; and provided farther, that no such appeal shall be entertained unless notice in writing of such appeal shall have been transmitted to the Secretary of the said Loan Fund Board, within One calendar Month after the decision of the said Board from which such appeal is made, shall have been notified to the Society preferring such appeal: Provided also, That no further Loans shall be issued by such Society until judgment upon such appeal be pronounced.

44-
Forms of
Debentures
to be printed
and Paper to
be marked.

And be it Enacted, That the said Loan Fund Board shall cause a sufficient number of Forms of Notes and Debentures to be printed according to the respective Forms numbered 2. and 3. in the Schedule (A.) to this Act annexed, and shall cause such Forms to be printed in such manner, or with such device, cypher, letters or numbers, as the said Loan Fund Board shall from time to time think proper or necessary to denote and authenticate the same, and shall from time to time transmit or deliver, on payment of costs of carriage, such number of the said Forms as shall be required of them to each Loan Society established under this Act, upon payment for every Form of such note so supplied by them of the sum of One Penny, and upon payment for every Form of such Debenture of the sum of One shilling, and all sums received for such forms shall be carried to and made part of the funds of such Loan Fund Board in the Bank of Ireland.

45-
Clause (A.)
Irish Repro-
ductive Loan
Fund Insti-
tution to be
excepted from
the control
of the Loan
Fund Board.

And be it Enacted, That nothing in this Act contained shall extend or be construed or taken to authorize any interference on the part of the said Loan Fund Board, or the Secretary or officers thereof, in the affairs of the London Charitable Association, commonly called "The Irish Reproductive Loan Fund Institution," or of any Trustees or Agents thereof, or of any institution or society in Ireland which is or shall be established in connexion with the said Irish Reproductive Loan Fund Institution, or to make the said Institution or any Trustee or Agent thereof, or any institution or society in Ireland now or to be hereafter established in connexion therewith, in any manner accountable to the said Loan Fund Board, or to compel previous notice of the intended retirement of any Trustee, Agent, Treasurer, member of committee, or other officer of the said Institution, or of any such other institution or society in connexion therewith, or of the intended dissolution of any such last-mentioned institution or Society, to be given to the said Loan Fund Board; and that it shall not be necessary for the said Institution, or any such other institution or society in Ireland which is or shall be established in connexion therewith, or for the rules or fines of the said Institutions,

tutions, or any such other institution or society which is or shall be established in connexion therewith, to be approved or certified by the said Loan Fund Board, or by the Secretary thereof, or for any Officer, Treasurer, Trustee or Agent of the said Institution, or of any such other institution or society in connexion therewith, to give any security to the said Loan Fund Board, any thing herein contained to the contrary hereof notwithstanding; but that the said Institution, and the Trustees and Agents thereof, and every institution or society in Ireland now or hereafter to be established in connexion therewith, shall be wholly free and exempt from the control and interference of the said Loan Fund Board, and shall not be required to take any paper of forms from the said Loan Fund Board, in order to relieve themselves from the Stamp Duties, or to receive any money or instalments due.

And be it Enacted, That the Trustees and Agents in Ireland of the said Irish Reproductive Loan Fund Institution, and every institution or society of persons which now is or hereafter shall be instituted or associated together in Ireland by or in connexion with the said Irish Reproductive Loan Fund Institution, for the purpose of making charitable loans of money, or for providing, by way of loan, implements of labour, seeds or raw materials for manufacture of goods to be used or employed in any trade, shall and may have, exercise, use and enjoy all the powers and authorities, rights and remedies in this Act contained, in respect to the lending out, recovering and investing monies, and otherwise in relation to their affairs: Provided always, That the said Irish Reproductive Loan Fund Institution shall, within Six calendar Months after the passing of this Act, or in the case of Trustees and Agents to be hereafter appointed, and of Societies to be hereafter established, within Three calendar Months after the appointment or establishment thereof, send, under the hand and seal of their Chairman, countersigned by the Secretary or Manager, to the Secretary of the Loan Fund Board in Dublin, a written list, description or specification of all Trustees and Agents of the said Society, authorized to act in relation to the affairs of the said Institution in Ireland, and of all such Loan societies or institutions as now are or may hereafter be established in Ireland, by or in connexion with the said Irish Reproductive Loan Fund Institution.

And be it Enacted, That the production of a certificate, under the hand and seal of the Chairman and countersigned by the Secretary or Manager of the said Irish Reproductive Loan Fund Institution, certifying that any person or persons is or are Trustees or Agents of the said Institution, and authorized to act in relation to their affairs in Ireland, or that any Society or Institution has been established in connexion with the said Irish Reproductive Loan Fund Institution,

46.
CLAUSE (B.)
Societies in
connexion
with the Irish
Reproductive
Loan Fund
Institution to
have all the
benefits of
this Act, on
giving notice
to the Loan
Fund Board.

47.
CLAUSE (C.)
Certificate to
be evidence of
connexion
with Irish
Reproductive
Loan Fund
Institution.

shall be evidence before all Judges and Justices, and in all Courts, of the fact therein certified without further proof thereof, and it shall not be necessary to prove the signing or sealing of such certificate.

48.

CLAUSE (D).
Societies in
connexion
with Irish
Reproductive
Loan Fund
Institution
are not to
borrow on
Debiture,
or otherwise.

And be it Enacted, That it shall not be lawful for any Trustee or Agent of the said Irish Reproductive Loan Fund, or for any society in connexion therewith, to take or hold upon debentures or other securities, or to lend out under the provisions of this Act, any monies, implements, goods or effects other than the monies, implements, goods and effects of the said Irish Reproductive Loan Fund Institution.

49.

CLAUSE (E).
On discon-
tinuance of
connexion,
Irish Repro-
ductive Loan
Fund Insti-
tution to give
notice to the
Loan Fund
Board in
Dublin.

And be it Enacted, That no Trustee or Agent of the said Institution, nor any society in connexion therewith, shall be entitled to the benefit of this Act, which shall not at the time of claiming such benefit be actually in connexion with the said Irish Reproductive Loan Fund Institution, or which shall take or hold any monies, implements, goods or effects other than the monies, implements, goods and effects of the said Irish Reproductive Loan Fund Institution: Provided also, That if by any means any such connexion which shall or may at any time hereafter subsist between the said Irish Reproductive Loan Fund Institution and any Loan Society or Institution in Ireland, shall be determined or dissolved, then and so often as the same shall happen, the said Irish Reproductive Loan Institution shall, with all reasonable speed after such determination or dissolution, send a written notice thereof, under their corporate seal, to the Secretary of the said Loan Fund Board in Dublin.

50.

CLAUSE (F).
Irish Repro-
ductive Loan
Fund Insti-
tution to
report yearly
to Parlia-
ment.

And be it Enacted, That the said Irish Reproductive Loan Fund Institution shall, on or before the Thirty-first day of March in every year, cause a report of their own proceedings, and also an abstract of the proceedings as required for Societies certified under this Act, of the several Loan Societies under their control and superintendence, during the year ending the Thirty-first day of December next preceding, to be prepared, which report shall contain an account of all monies and funds which shall have come to the hands or been placed to the credit of the said Institution, and of the Loan Societies connected therewith, and of the particular sources from which derived, and of all and every the monies expended or lent during the said year, and for what purposes and upon what account respectively, and showing the balance then standing to the credit of the said Institution; and such report shall be signed by the Chairman and Secretary of the said Irish Reproductive Loan Fund Institution, and laid before both Houses of Parliament within One Month after the same shall have been prepared, if Parliament shall be then sitting, or within One Month after the commencement of the then next Session.

And

And be it Enacted, That if, after the passing of this Act, any person or persons not being a Society, the rules whereof shall have been duly certified pursuant to the provisions of the said recited Acts or this Act, or any Society established under the said Acts or this Act, from which the certificate shall have been withdrawn by the said Loan Fund Board, in exercise of the powers hereby vested in them in that behalf, shall, under the false pretence of being a Society so established and authorized, raise money by debentures, or issue any loan, or impose any fine, or use any other of the advantages and privileges of a Loan Society duly established as aforesaid, then in every such case every such person or member of such Society, and every officer, clerk and agent thereof, and every other person who shall aid or assist therein, shall for every such offence forfeit and pay any sum not exceeding Twenty Pounds, to be recovered as hereinafter mentioned.

51.
*Societies not certified, &c. their Members and Officers prohibited from acting, under a Penalty of 20*l*.*

And be it Enacted, That all Societies now or hereafter to be formed for the purpose of establishing, supporting or conducting *Monts de Piété* or Charitable Pawn or Deposit Offices, at which money may be lent to the industrious poor upon pledge in Ireland, shall be deemed Loan Societies within the meaning of this Act, and all and every the powers and authorities hereby vested in the said Loan Fund Board, for the purpose of superintending and controlling Loan Societies in Ireland, and for enforcing the due observance of their rules, and the provisions of this Act, shall extend to and shall and may be exercised in respect of all such Charitable Pawn or Deposit Offices, and the Societies or persons by whom they have been or may be established, and the Trustees, Conductors, Managers, officers, clerks, and servants thereof respectively; and the rules framed for the management of all such institutions shall be certified by the Secretary of the Loan Fund Board, within the same period, and under pain of the same disqualifications and penalties as are herein provided with respect to the Loan Societies; and all and every other the clauses and enactments herein contained, so far as the said Loan Fund Board, having due regard to the legitimate objects of such Charitable Pawn or Deposit Offices, shall deem it expedient to apply them, shall extend and be deemed and construed to extend to such Charitable Pawn or Deposit Offices as aforesaid, and to all persons interested therein; and that all such Societies formed for the purpose of establishing, supporting or conducting such Charitable Pawn or Deposit Offices, the rules whereof shall be duly certified under the provisions of this Act, shall be entitled to all and every the benefits, privileges, exemptions and advantages which by an Act passed in the last Session of Parliament, intitled, "An Act to remove Doubts touching the Law relating to Charitable Pawn or Deposit Offices in Ireland," are conferred upon or declared to belong to such Institutions or Societies established for the purpose aforesaid,

52.
Monts de Piété to be deemed Loan Societies within this Act, and to cause their Rules to be certified and entitled to benefits of 5 & 6 Vict. c. 75.

as shall have complied with the provisions of the said recited Act of the sixth and seventh years of the reign of his late Majesty.

53.
Recovery of
Penalties imposed by the
Act.

And be it Enacted, That all and every the penalties and forfeitures by this Act imposed shall and may be recovered in a summary way, on conviction before a Justice or Justices of the Peace in Petty Sessions for the county or place in which the offence shall have been committed, together with the costs of the proceedings for the recovery thereof, the amount whereof shall be fixed and ascertained by the Justice or Justices before whom such conviction shall be had; and every such penalty or forfeiture, when recovered, shall be paid to the Secretary of the Loan Fund Board, and be paid by him into the Bank of the Governor and Company of the Bank of Ireland, to the credit of the said Loan Fund Board Account, to be applied and disposed of in furtherance of the objects of this Act, in like manner as the other monies hereby directed to be lodged to the credit of the said Board.

54.
Penalties may
be levied by
Distress and
Sale of the
Goods of
Offender.

And be it Enacted, That all and every the penalties and forfeitures imposed under the authority of this Act, together with the costs of all proceedings for the recovery thereof, may, in case of non-payment thereof, be levied by distress and sale of the goods and chattels of the offender or person liable to pay the same, by warrant under the hand or hands of the convicting Justice or Justices, or any of them, or any other Justice or Justices of the Peace for the same county or place.

55.
Summons,
Information,
and Conviction,
for recovery of
Penalties may
be in the
Forms given
in the Schedule to the
Act.

And be it Enacted, That any Justice or Justices of the Peace before whom any information shall be laid in writing against any person, or before whom any person shall be convicted for any offence under this Act, may cause the information, summons and conviction to be drawn up according to the forms respectively given in Schedule (C.) to this Act annexed, or any other form to the same effect, as the case may require; and in any information and in every conviction for any offence contrary to this Act, it shall be sufficient if the offence shall be stated in the words of this Act.

56.
Members of
Loan Societies to be
competent
Witnesses,
and not precluded
from acting as Justices in any
Proceeding under this
Act.

And be it Enacted, That on the trial of any action, indictment or other proceeding respecting the property of any Loan Society, or in any proceedings before any Justice of the Peace, any trustee, manager, member, officer, clerk or servant of such Society shall be a competent witness, and shall not be objected to on account of any interest he may have in the result of such action, indictment or other proceeding; and no Justice of the Peace who shall be a trustee or other unpaid officer or member of any Loan Society shall be thereby precluded from adjudicating in the matter of any loan sued for, by or on behalf of such Society, or of any penalty or forfeiture incurred under this Act, or from acting as such Justice of the Peace in any other proceeding

ceeding whatsoever under this Act; and in any action, suit, complaint, information or other proceeding, civil or criminal, of what kind or nature soever, and wheresoever pending, which shall be brought or carried on by the said Loan Fund Board, or by or in the name of the Secretary of the said Loan Fund Board, the Secretary or any other officer or member of the said Board shall be a competent witness in support of such proceeding.

And be it Enacted, That no plaintiff shall recover in any action for any irregularity, trespass or other wrongful proceeding made or committed in the execution of this Act, or by virtue of any power or authority hereby given, if tender of sufficient amends shall have been made by or on behalf of the party who shall have committed such irregularity, trespass or other wrongful proceeding before such action brought; and in case no tender shall have been made, it shall be lawful for the defendant in any such action, by leave of the Court where such action shall depend, at any time before issue joined, to pay into court such sum of money as he shall think fit, whereupon such proceeding, order or adjudication shall be had and made in and by such court as in other actions where defendants are allowed to pay money into court.

AND whereas there are some places not included in any Petty Sessions district; BE it therefore Enacted, That all and every the proceedings herein directed to be had before, and the jurisdictions hereby given to, the Justices at Petty Sessions, shall and may in every such place be had before and exercised by any One or more Justices of the Peace acting in and for such place so not included in any Petty Sessions district.

And be it Enacted, That no action, suit or information of what nature soever shall be brought, commenced or prosecuted against any person employed in the management of a Loan Fund acting or established under the provisions of this Act, for any thing or matter done or omitted to be done in pursuance of this Act, or in the execution of any power or authority under this Act, unless Twenty Days' previous notice in writing shall be given by the party intending to commence and prosecute such action, suit, information or other proceeding to the intended defendant, nor unless such action, suit or information or other proceedings shall be brought or commenced within Six calendar Months next after the act committed; and if the plaintiff shall become nonsuited, or shall suffer a discontinuance of his action, suit, information or other proceeding, after the defendant shall have appeared thereto, or if a verdict shall pass against the plaintiff therein, or if upon demurrer or otherwise judgment shall be given against the plaintiff, the defendant shall have his costs as between attorney and client, and shall

57.
If Action brought for any Trespass, &c. done in execution of the Act, Plaintiff not to recover after tender of sufficient amends.

58.
CLAUSE (G.)
Provision for places not included in any Petty Sessions District.

59.
Limitation of Actions.

have such remedy for recovering the same as defendants have for recovering costs of suit by law in other cases.

60.
Interpreta-
tion Clause.

And be it Enacted, That in the construction of this Act, the words "Lord Lieutenant of Ireland" shall include the Chief Governor or Governors of Ireland for the time being; and that all words importing the singular number or the masculine gender only, shall be understood to include several matters as well as one matter, and several persons as well as one person, and females as well as males, and bodies corporate as well as individuals, unless it be otherwise specially provided, or there be something in the subject or context repugnant to such construction.

61.
Act may be
repealed
during the
present Ses-
sion.

And be it Enacted, That this Act may be repealed by any Act to be passed in this present Session of Parliament.

SCHEDULE

TO WHICH THE FOREGOING ACT REFERS.

SCHEDULE (A.)

No. 1.

FORM of CERTIFICATE to be granted by the Loan Fund Board to a Loan Society or Mont de Piété, to entitle the same to the Benefit of this Act.

This is to certify, that the Rules of the _____ Loan Society [or, Mont de Piété, as the case may be] heretofore annexed, numbered _____ have been approved by the Loan Fund Board, and duly certified to be in conformity to law, and that the said Society is entitled to all the benefits of an Act passed in the session held in the sixth and seventh years of the reign of Queen Victoria, intitled, "An Act to consolidate and amend the Laws for the Regulation of Charitable Loan Societies in Ireland."

By order of the Loan Fund Board,
Signed, _____ this _____ day of _____

Secretary to the Loan Fund Board.

No.

No. 2.

FORM of PROMISSORY NOTE or SECURITY for the Repayment of Money lent by a Loan Society.

On demand we jointly and severally promise to pay to A. B., the Treasurer for the time being of the _____ Loan Society, at the times and in the manner prescribed by the Rules of the said Society, the sum of _____ sterling, together with all fines which may be incurred by us, or any of us, under the Rules of the said Society.

Dated this _____ day of _____ 18 _____
£.

Witness.	Names.	Residence.	Occupation.	Borrower.
{	_____	_____	_____	{
	_____	_____	_____	
_____	_____	_____	_____	_____

No. 3.

FORM of DEBENTURE or SECURITY for the Payment of Money lent to a Loan Society.

This is to certify, that A. B., of _____ has this day deposited with C. D., the Treasurer of the _____ Loan Society, the sum of £. _____ to be repaid out of the funds of the said Society, to the said A. B., his executors, administrators or assigns, at the expiration of _____ calendar Months after a demand thereof in writing shall have been made upon the Treasurer of the said Society, and to bear interest until repaid, at the rate of _____ per centum per annum, to be paid half-yearly (or otherwise, as agreed upon); and it is hereby declared, that the said principal sum and interest shall be a charge upon and payable out of the funds and property of the said Society, and such

524.

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funds

funds and property only; and that the Treasurer and other officers and members of the said Society, or any of them, shall not severally or collectively be responsible for the payment thereof from or out of any other funds whatsoever. Dated this

day of

18

(signed) _____ Trustee.
 _____ Treasurer.
 Entered, _____ Clerk.

No. 4.

FORM OF TRANSFER OF DEBENTURE to be endorsed thereon.

I, _____ the within named Depositor [or "the Assignee of the within Debenture"], do hereby transfer this Debenture, with all interest due and to accrue due in respect thereof, unto _____ of _____ day of _____ 18

Witness my hand this

[Signature of person making the transfer.]

Executed in the presence of _____ of _____ and _____ of _____

N.B.—The transfer is not valid unless it shall have been executed at the office, and registered in the Books of the Society by which the Debenture was issued.

No. 5.

FORM OF BOND to be given by the Treasurer or other Officer of a Loan Society for the due Performance of his Office.

Know all men by these presents, That we, A. B., of _____ Treasurer [or, Clerk, &c.] of the _____ Loan Society, and C. D., of _____

and E. F., of _____

are jointly and severally held and firmly bound to G. N., Secretary to the Loan Fund Board, established under an Act passed in the session held in the sixth and seventh years of the reign of Queen VICTORIA, intitled, "An Act to consolidate and amend the Laws for the Regulation of Charitable Loan Societies in Ireland" in the sum of £.

to be paid to the said G. N., as such Secretary as aforesaid, or other the Secretary of the said Board for the time being, or to his certain Attorney, for which payment well and truly to be made, we jointly and severally bind ourselves, and each of us, himself, our and each of our heirs, executors and administrators, firmly by these presents, sealed with our seals. Dated the _____ day of _____ in the year of our Lord

Whereas the above bounden A. B. hath been duly appointed Treasurer [or, Clerk, &c.] of the _____ Loan Society.

Now the condition of the above written Bond is such, that if the said A. B. shall and do justly and faithfully execute his office of Treasurer [or, Clerk] of the said Loan Society, and shall and do from time to time, and at all times when thereto required by the said Society, or any person or persons by them in that behalf authorized, or by the Loan Fund Board, or by the Secretary, or any other officer or officers by the said Board in that behalf authorized, render a just and true account of all moneys received and paid by him, the said A. B., on account of the said Society, or in execution of his said office, or in relation thereto, and produce and exhibit to the person so requiring him as aforesaid, all Books, Accounts, Vouchers, Papers and Documents of or belonging to the said Society,

or

or relating to the affairs thereof, in his hands, custody or power, and do and shall pay over all monies remaining in his hand, and assign or transfer, or deliver all Securities and Effects, Books, Papers and Property of or belonging to the said Society in his hands, custody or power, to such person or persons as the said Society, so long as the same shall exist and continue duly authorized to act as a Loan Society, shall appoint; or in case and so soon as the said Society shall cease to exist or be duly authorized to act as a Loan Society, then to such person or persons as the said Loan Fund Board, or any duly authorized officer or officers thereof shall appoint, and do and shall conform to and observe all and every the Rules in force for the time being of the said Society, and in all other respects well and truly and faithfully perform and fulfil the duties of the said office, then the above written Bond shall be void and of no effect, but otherwise the same shall be and remain in full force and virtue.

SCHEDULE (B.)

No. 1.

Form of LOAN FUND SUMMONS.

County of

to wit,
The Treasurer of the
Loan Society
Plaintiff.

You are hereby required to appear personally before me, or any other Justice or Justices of the Peace for the said county, who shall be present at _____, on the _____ day of _____ 184____, at the hour of _____ of the clock, in the _____ noon of the same day, to answer the Complaint of the Plaintiff, and show cause why you neglect to pay him the sum of £. _____, being the amount alleged by the Plaintiff to be due to him as Treasurer of the said Loan Society on your note, bearing date the _____ day of _____, and for Fines incurred under the Rules of the said Society; and in default of your appearance at the time and place aforesaid, the case will proceed in your absence as to justice shall appertain. Dated this _____ day of _____ (signed)

Defendants.

To the Defendants above named.

Justice of the Peace, &c., for the said County.

No. 2.

WARRANT.

No.
County of

Petty Sessions
to wit.

The Treasurer of the
Loan Society,
Plaintiff.

By _____ J. P., at the Petty Sessions
of _____ in the county of _____

It appearing to me that a Summons was duly served on the Defendant _____, and that the Defendant _____ justly indebted to the Plaintiff in the sum of _____ pounds shillings, and _____ pence sterling, for

A., Borrower, of
[place of abode.]

B., Security, of
[place of abode.]

C., Security, of
[place of abode.]

Defendant.

It is therefore ordered and decreed by me, that the Plaintiff do recover from the Defendant the said sum, together with _____ costs. And these are therefore to authorize and command you to distrain and sell the goods and chattels of the

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Defendant

Defendant, and every of them, and out of the proceeds of such sale to pay the Plaintiff the said sum of _____ pounds, and also to pay all costs and charges attending such distress and sale, returning the overplus (if any) to the Defendant, or to such of them as may have been the owners of the goods so seized and sold.

Given under my hand this _____ day of _____

J. P.

SEAL

To all Constables, Bailiffs, and
others to whom it may concern.

SCHEDULE (C.)

No. 1.

FORM of INFORMATION for the Recovery of a Penalty or Forfeiture under the foregoing Act.

County of _____ to wit. { A. B., of _____ cometh before me, a Justice
of the Peace for the said county, on the _____ day of _____
_____ at _____, within the said county,
and giveth me to understand and he informed, that C. D., of _____ did, &c.
[here describe the offence.]
(signed) _____

No. 2.

FORM of SUMMONS for the Recovery of a Penalty or Forfeiture under this Act.

County of _____ to wit. { You are hereby required to appear personally before me,
or any other Justice or Justices of the Peace for the said
county, who shall be present at _____ in the said
county, on the _____ day of _____ 18____, at the hour of _____ of the
clock, in the _____ noon of the same day, to answer the complaint of A. B., of
_____, charging that you did, &c., [here set forth the offence charged
in the Information, or if a copy of the Information is served with the Summons, "to
answer the complaint set forth in the Information, with a copy of which you are here-
with furnished."] Dated this _____ day of _____
To C. D., of _____ (signed) _____
Justice of the Peace for the said County.

No. 3.

FORM of a CONVICTION for a Penalty or Forfeiture under the foregoing Act.

County of _____ to wit. { Be it Remembered, That on the _____ day of _____
before me, one of the Justices of the Peace for the said
county, sitting at _____ in the said county, C. D. of _____
on the information of A. B., of _____, is convicted, that he did, &c.,
[here state the offence.] I do therefore adjudge that the said C. D., for his said
offence, do forfeit and pay the sum of £. _____ sterling, to be applied and dis-
posed of as directed by the Statute in that case made and provided; and that the said
C. D. do further pay to the said A. B. the sum of £. _____ for his costs in this behalf.

Given under my hand, the day and year first above written.

(signed) _____

